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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 DERICK OWUSU,

8 Plaintiff,

9 v.

10 JOHN THOMPSON,

11 Defendant.

No. 3:19-CV-5205-RBL-DWC

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

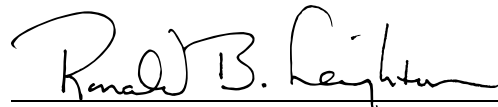
12 THIS MATTER is before the Court the Report and Recommendation of Magistrate Judge  
13 David W. Christel [Dkt. #19], and the underlying record.

- 14 (1) The Report and Recommendation is **ADOPTED**.  
15 (2) Defendant's Motion for Summary Judgment (Dkt. 11) is granted. The complaint  
16 is dismissed without prejudice and this case is closed.  
17 (3) As Plaintiff Owusu has not exhausted his administrative remedies, an appeal  
18 would not be taken in good faith. Therefore, Plaintiff is not entitled to proceed *in*  
*forma pauperis* on appeal. *See* Fed. R. App. P. 24.

19 The Clerk shall send copies of this Order to Plaintiff Owusu's last known address and to  
20 Magistrate Judge Christel.

21 IT IS SO ORDERED.

22 **DATED** this 15<sup>th</sup> day of November, 2019.

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25 Ronald B. Leighton  
26 United States District Judge